

BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE

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IN RE:

PETITION OF TENNESSEE-  
AMERICAN WATER COMPANY TO  
CHANGE AND INCREASE CERTAIN  
RATES AND CHARGES ...

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DOCKET NO. 05-00148  
TN REGULATORY AUTHORITY  
DOCKET ROOM

**CHATTANOOGA MANUFACTURERS ASSOCIATION'S OBJECTIONS  
TO TAWC'S FIRST SET OF INTERROGATORIES AND  
REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to *Rules 26, 33 and 34 of the Tennessee Rules of Civil Procedure* and *Tenn. Code Ann. § 4-5-301, et seq.*, Intervenor Chattanooga Manufacturers Association ("CMA") submits the following objections to the First Set of Interrogatories and Request for Production of Documents of Tennessee-American Water Company ("TAWC" or the "Company").

**OBJECTIONS**

1. CMA objects to the definitions and instructions contained in the interrogatories and request for production to the extent that the definitions and instructions attempt to impose on CMA a burden or obligation greater than that required by the *Tennessee Rules of Civil Procedure* and applicable statutes and regulations governing contested case hearings.

2. CMA objects to the interrogatories and requests to the extent they call for information and the production of documents which are protected from disclosure by the attorney-client privilege, the attorney work product doctrine or any other applicable privilege or protection. CMA objects to TAWC's interrogatories and requests to the extent that the Company is attempting to impose on CMA obligations with regard to identification of privileged documents beyond those required by the *Tennessee Rules of Civil Procedure* and applicable statutes and regulations governing contested case hearings.

3. CMA objects to the production of any documents prepared by it subsequent to the filing of this litigation or contested case.

4. CMA objects to Company's interrogatories and requests to the extent that the Company is attempting to impose on CMA obligations to supplement its responses beyond those required by the *Tennessee Rules of Civil Procedure* and applicable statutes and regulations governing contested case hearings.

5. CMA objects to Company's interrogatories and requests to the extent that Company is attempting to require CMA to provide information and produce documents beyond those in its possession, custody or control as that phrase is used in the *Tennessee Rules of Civil Procedure* and applicable statutes and regulations governing contested case hearings.

6. CMA objects to Company's interrogatories and requests to the extent that they seek information and documents that are readily available through public sources or are in the Company's own possession, custody or control. It is unduly burdensome and oppressive to require CMA to respond or produce documents that are equally or more available to Company.

7. CMA objects to the interrogatories and requests to the extent that they seek information relating to matters not at issue in this litigation or reasonably calculated to lead to the discovery of admissible evidence. By providing information in response to these interrogatories and requests, CMA does not concede that such information is relevant, material or admissible in evidence. CMA reserves all rights to object to the use of such information as evidence.

8. CMA's objections and responses to these interrogatories and requests are based on information now known to it. CMA reserves the right to amend, modify or supplement its objections and responses if it learns of new information.

## **OBJECTIONS TO DISCOVERY REQUESTS**

Subject to and without waiving any of the objections, the following additional objections are provided:

**Discovery Request No. 1:** State in detail the legal and factual basis for any objection or opposition CMA has with respect to any aspect of the rate increase requested by TAWC in this docket.

**Response.** CMA objects to Discovery Request No. 1 as being overbroad and premature. The pre-hearing officer's schedule for direct testimony sets a deadline for any testimony that may be submitted by CMA as May 30, 2003, and any such testimony will be provided on or before that date.

**Discovery Request No. 2:** Identify each person whom you expect to call as an expert witness at any hearing in this docket, and for each such expert witness:

- a. Identify the field in which the witness is to be offered as an expert.
- b. Provide complete background information, including the expert's current employer as well as his or her educational, professional and employment history and qualifications within the field in which the witness is expected to testify, and identify all publications written or presentations presented in whole or in part by the witness.
- c. Provide the grounds (including without limitation any factual bases) for the opinions to which the witness is expected to testify, and provide a summary of the grounds for each such opinion.
- d. Identify any matter in which the expert has testified (through deposition or otherwise) by specifying the name, docket number and forum of each case, the dates of the prior testimony and the subject of the prior testimony, and identify the transcripts of any such testimony.

e. Identify for each such expert any person whom the expert consulted or otherwise communicated with in connection with his expected testimony.

f. Identify the terms of the retention or engagement of each expert including but not limited to the terms of any retention or engagement letters or agreements relating to his/her engagement, testimony and opinions as well as the compensation to be paid for the testimony and opinions.

g. Identify all documents or things shown to, delivered to, received from, relied upon or prepared by any expert witness, which are related to the witness(es)' expected testimony in this case, whether or not such documents are supportive of such testimony, including without limitation all documents or things provided to that expert for review in connection with testimony and opinions.

h. Identify any exhibits to be used as a summary of or support for the testimony or opinions provided by the expert.

**Response.** CMA objects to Discovery Request No. 2 as being overbroad, vague, ambiguous and unduly burdensome. At this time, experts have not been determined for purposes of testimony at trial, and CMA will identify experts, if any, within the time limits and requirements set forth by the scheduling order in this case.

**Discovery Request No. 3:** Please produce copies of any and all documents referred to or relied upon in responding to TAWC's discovery requests.

**Response.** See objection to Discovery Request No. 2.

**Discovery Request No. 4:** Please provide all materials provided to, reviewed by or produced by any expert or consultant retained by CMA to testify or to provide information from which another expert will testify concerning this case.

**Response.** See objection to Discovery Request No. 2.

**Discovery Request No. 5:** Please produce all workpapers of any of CMA's proposed experts, including but not limited to file notes, chart notes, tests, test results, interview and/or consult notes and all other file documentation that any of CMA's expert witnesses in any way used, created, generated or consulted by any of CMA's expert witnesses in connection with the evaluation, conclusions and opinions in the captioned matter.

**Response.** See objection to Discovery Request No. 2. Additionally, CMA objects to Discovery Request No. 5 as being vague and ambiguous and overbroad.

**Discovery Request No. 6:** Please produce a copy of all trade articles, journals, treatises and publications of any kind in any way utilized or relied upon by any of CMA's proposed expert witnesses in evaluating, reaching conclusions or formulating an opinion in the captioned matter.

**Response.** See objection to Discovery Request No. 2. Additionally, CMA objects to Discovery Request No. 6 as being unduly burdensome.

**Discovery Request No. 7:** Please produce a copy of all documents which relate or pertain to any factual information provided to, gathered by, utilized or relied upon by any of CMA's proposed expert witnesses in evaluating, reaching conclusions or formulating an opinion in the captioned matter.

**Response.** See objections to Discovery Request No. 6. Additionally, CMA objects to Discovery Request No. 7 as being overbroad, vague and ambiguous and requesting irrelevant or privileged

information. CMA objects to Discovery Request No. 7 to the extent that it seeks the identification of all documents which "relate or pertain" to any factual information utilized or relied upon by proposed experts, as it is impossible to respond to such a broad question.

**Discovery Request No. 8:** Please produce a copy of all articles, journals, books or speeches written by or co-written by any of CMA's expert witnesses, whether published or not.

**Response.** See objections to Discovery Request No. 6. Additionally, CMA objects to Discovery Request No. 8 as being overbroad, vague and ambiguous and requesting irrelevant or privileged information.

**Discovery Request No. 9:** Please produce any and all documentation, items, reports, data, communications and evidence of any kind that CMA intends to offer as evidence at the hearing or to refer to in any way at the hearing.

**Response.** See objections to Discovery Request No. 6.

**Discovery Request No. 10:** Please produce all documents that refer or relate to the subject matter of your response to Discovery Request No. 1.

**Response.** See objections to Discovery Request No. 6. Additionally, CMA objects to Discovery Request No. 10 as being overbroad, vague and ambiguous and requesting irrelevant or privileged information. CMA objects to Discovery Request No. 10 to the extent that it seeks the identification of all documents that "refer or relate" to the subject matter of CMA's response to Discovery Request No. 1, as it is impossible to respond to such a broad question.

**Discovery Request No. 11:** Please identify by name, address, employer and current telephone number, all persons having knowledge of the subject matter of your response to Discovery Request No. 1.

**Response.** CMA objects to Discovery Request No. 11 as being overbroad, vague and ambiguous.

GRANT, KONVALINKA & HARRISON, P.C.

By: \_\_\_\_\_

  
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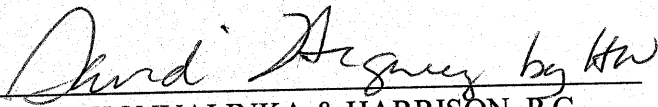
**CERTIFICATE OF SERVICE**

I hereby certify that I have on this 7<sup>th</sup> day of April, 2003, served the foregoing pleading either by fax, overnight delivery service or first class mail, postage prepaid, to all parties of record at their addresses shown below:

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